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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/113,446    07/10/98    WAGNER

G    003470.P005

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PM82/0523

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EXAMINER
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ANDERSON, G	
ART UNIT	PAPER NUMBER

3636  
DATE MAILED:

05/23/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/113,446**

Applicant(s)  
**G. Wagner et al**

Examiner  
**Jerry A. Anderson**

Group Art Unit  
**3636**



☒ Responsive to communication(s) filed on 2 Mar 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) 1-5 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 6-11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Part III DETAILED ACTION

1. Applicant's arguments filed 2 March 2000 have been fully considered but they are not persuasive. In applicant reference to the Schmidt patent as a split housing. Is the applicant referring to Figure 3 ? Because the housing is defined, with reference to Figure 1, in col. 11 as the head portion continuously extends into contoured handle. Therefore the hollow body is a single-piece .

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-8, 12 and 13 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Schmidt et al.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 9 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Schmidt et al as cited above and further in view of Matone, Jr. et al. Schmidt et al fails show a gasket. Matone Jr. is cited showing a gasket for the purpose of sealing a housing for an electrical device. Since the references are from the same field of endeavor the purpose of Matone Jr. would have been obvious in the pertinent art of Schmidt et al and it would have been obvious for one having an ordinary skill in the art to have modified Schmidt et al with a gasket for the purpose of sealing a housing for an electrical device in view of Matone Jr..

6. Claim 11 is rejected under 35 U.S.C. § 103 as being unpatentable over Schmidt in view of Mottmiller et al. Schmidt fails show a T-shaped tongue element. Mottmiller is cited showing a T-shaped tongue element for the purpose of connecting one molded element to another in a plastic housing. Since the references are from the same field of endeavor the purpose of Mottmiller would have been obvious in the pertinent art of Schmidt et al and it would have been obvious for one having an ordinary skill in the art to have modified Schmidt with a T-shaped tongue element

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for the purpose of connecting one molded element to another in a plastic housing in view of Mottmiller.


7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Gerald Anderson whose telephone number is (703) 308-2202.

gaa

May 19, 2000

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600